

# Notice of Allowability

Application No.

10/789,516

Examiner

Janelle N. Young

Applicant(s)

AU ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Arguments/Remarks filed on 08/17/2007.
2. ☒ The allowed claim(s) is/are 1-16, 18-36, 38-56 and 58-60.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Janelle N. Young  
(571) 272-2836  
September 14, 2007

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 8-14 are allowed over the prior art of record.
2. The following is an examiner's statement of reasons for allowance: the examiner agrees with applicant's arguments/remarks on pages 16-22 more particularly with arguments on page 8, paragraph 2 because the prior art of record fails to disclose "wherein the chip energy of the channels of the access terminal for which the effective noise power spectral density ( $N_{t,i, \text{effective}}$ ) is determined is not used in determining the effective noise power spectral density ( $N_{t,i, \text{effective}}$ ). " There is no indication in Park et al., Hen et al., and/or Lim et al. for determining an effective noise power spectral ( $N_{t,i, \text{effective}}$ ) at ma access network for one of the access terminals (i) due to a thermal noise power spectral density ( $N_o$ ) and a sum of chip energy of ( $E_c$ ) of all channels except pilot channels of at least some of the access terminals that are power controlled by the sector, wherein the chip energy of the channels of the access terminal for which the effective noise power spectral density ( $N_{t,i, \text{effective}}$ ) is determined is not used in determining the effective noise power spectral density ( $N_{t,i, \text{effective}}$ ); as substantially described in independent claim 1. These limitations, in combination with the remaining limitation in claim 1 are not taught nor suggested by the prior art of record.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Park et al (US Patent 6643520) a devices and methods are provided for determining an initial transmission power for a forward link channel transmitter of a base station in a mobile communications system. A preferred method includes the steps of measuring, at a mobile station, the strength of a specified forward link channel signal received from the base station and sending information indicative of the strength of the specified forward link channel signal to the base station; and determining, at the base station, the initial transmission power for the specified forward link channel signal according to the information received from the mobile station and using the determined transmission power for controlling an initial transmission power for an other forward link channel.

Hen et al (US Pub 2004/0121808) a mobile communication system, a method of setting a reverse activity bit (RAB) is provided. The method comprises measuring a rise over thermal noise-measured (ROTm) representing a load degree of a reverse link; comparing the ROTm with a setup reference value (ROTm\_th); setting the RAB to lower

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data rate of a terminal, when the ROTm is greater than the ROTm\_th; enabling a base station to receive and monitor a variation state of the ROTm, when the ROTm is less than the ROTm\_th; and setting the RAB to control the data rate according to the variation state of the ROTm.

Lim et al. (US Patent 6731620) a method for allocating reverse and forward channel power in a W-CDMA WLL system is disclosed. The method comprises calculating a propagation path loss of forward and reverse pilot channels depending on the maximum path loss of forward and reverse links for a base station located at a specific distance from a terminal, determined from the minimum  $E_{c/I_{t}}$  required by the system, the transmission antenna gain of a terminal, the reception antenna gain of the terminal, the reverse frequency reusing efficiency, the transmission output of the terminal, the number of active users, the power allocation ratio of the pilot channel, the bandwidth, and the thermal noise density; and, calculating a power allocation ratio of forward and reverse channels depending on the propagation path loss of the forward and reverse pilot channels,  $E_{b/N_{t}}$  of the forward and reverse channels, the power allocation ratio of the forward and reverse pilot channels, the data rate of the forward and reverse channels, the bandwidth, and the reverse frequency reusing efficiency

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle N. Young whose telephone number is (571) 272-

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2836. The examiner can normally be reached on Monday through Friday: 8:30 am through 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JNY  
September 14, 2007

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**